

### Matter 30 – Huddersfield1 housing allocations: Green Belt Releases Issue

Are the proposed Green Belt release housing allocations in the Huddersfield Sub-Area justified, effective, developable/deliverable and in line with national policy?

H31 – land north-west of Woodsome Drive, Fenay Bridge (68 dwellings)

H2684a – land adjacent Penistone Road/Woodsome Park, Lepton (286 dwellings)

H2730a – land to the south-east of Hermitage Park, Lepton (312 dwellings)

“We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we begin to use it with love and respect.” (Leopold, 1948). NPPF 8.76 acknowledges the importance of the relationship between local communities and the green spaces that are significant to them as well as sound processes for community involvement within the Local plan (SCI’s). In accordance, a sound analysis and interpretation of community comments within the consultation periods was/ is imperative to ascertain the question of ‘justification and effectiveness’ of the sites development from a **community** perspective.

EX17, whilst acknowledging issues from an individual perspective, providing generic answers and signposting to other examination documents, does not provide a wider audience, community perspective on the sites inclusion in the local plan on a development basis. How has the ‘community’ consultation on these sites shaped the local area (SD16, 1.5), have the community influenced ‘where new homes go’ within the local plan (Secretary of State for Communities and Local Government, 2017)?

A distinct lack of clarity regarding how community representations have been analysed, interpreted and integrated within this process on sites H2684 (now H2684a) and H2730 (now H2730a) exists, alongside an obvious extant imbalance between community and developer documentation.

Further to a qualitative analysis of community narrative within both consultation periods (Ellis, 2017) community concerns (duplications removed) are posited within a hierarchical word cloud, (due to word limitations on this document), for both consultation periods.

Table 1- Community consultation comments 9/11/2015 to 1/02/2016



Within consultation period 9/11/2015 to 1/02/2016 the **main community concern** was the area is Lepton, with local concerns being for the proposed development sites and issues surrounding **roads, schools, traffic** and the **green belt**. No emotional words or action words/requests, this consultation period takes the form of a discussion.



community's intention to apply for Definitive map modification orders (DMMO), as specified within tables 5 & 7, under section 53(5) of the Wildlife and Countryside Act 1981 and in accordance with the Highways Act 1980 section 31.

The community may also wish to explore the possibility of listing all land within H2730a and the upper part of H2684a as a community asset of value (ACV) under Part 5 Chapter 3 of the Localism Act, the Assets of Community Value (England) Regulations 2012 (SI 2014/2421).

The application for DMMO's is to balance the actions of the 'landowner deposit order' placed on the sites. As, although the community responded to the landowner deposit order it was within the form of a petition submission against the 'deposit order', rather than an application for village green status.

Should the aforementioned actions be necessary to ensure no present or future loss of community commodity, amenity or connectivity within the proposed site areas? The actions align to LE61 Kirklees woodland strategy, which encourages community access to woodland.

Table 3



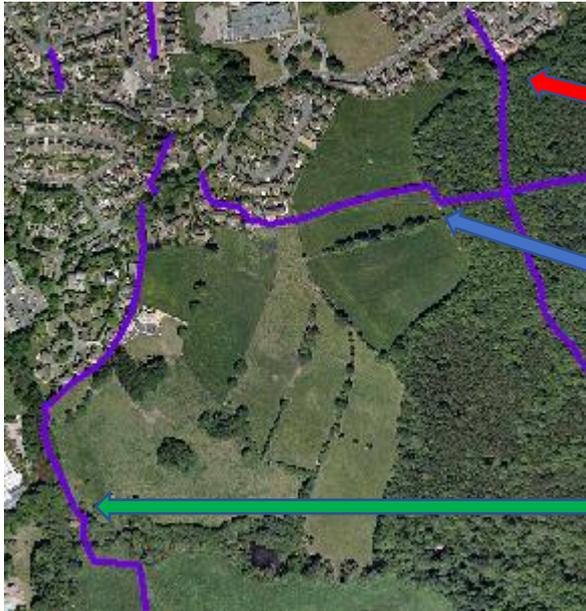
Woman & child walking on proposed site H2730a in 1910.

Barn beside Crow trees (grade 2 listed building in the background)

The community have walked the fields and cows grazed in them for centuries. (Mr Smith Carter, 1910, K.M.C archive). The PROWs and unregistered paths are an important part of the villages heritage. Should NPPF 8. 76 & 77 apply?

## How do the community use sites H2730a and H2684a?

Table 4



Existing PROW's within H2730a & H2684a

The upper path (KIR/90/10), outside of the proposed development is gated limiting access for prams and wheelchair users.

The middle path (KIR/85/10) although well used, is unsuitable for certain community members due to the path being an incline from Rowley lane until the woods (10-15 min walk uphill), 2 stiles.

The lower path (KIR/65/10) leads to Highburton, not the woods.

Table 5- PROWs and unregistered paths within H2730a.



Footpath in high use.  
**DMMO imminent**

Public  
footpath

Footpath in high use.  
**DMMO imminent**

Hermitage Park  
proposed  
development access

Extent of footpaths in H2730a top field (Google maps 2009), community use to access Lepton great wood. All footpaths have been used by the community without secrecy or prevention for over 20 years, some houses have gates in place to access the fields to the wood.

Table 6- Unregistered footpath, Hermitage park / site access (Google maps, 2009)



Table 6 Footpath in high use from the proposed access to the development off Hermitage Park into Lepton Wood. Application for DMMO imminent.

Table 7- Footpaths east side of H2684a at site access (Google, 2017)

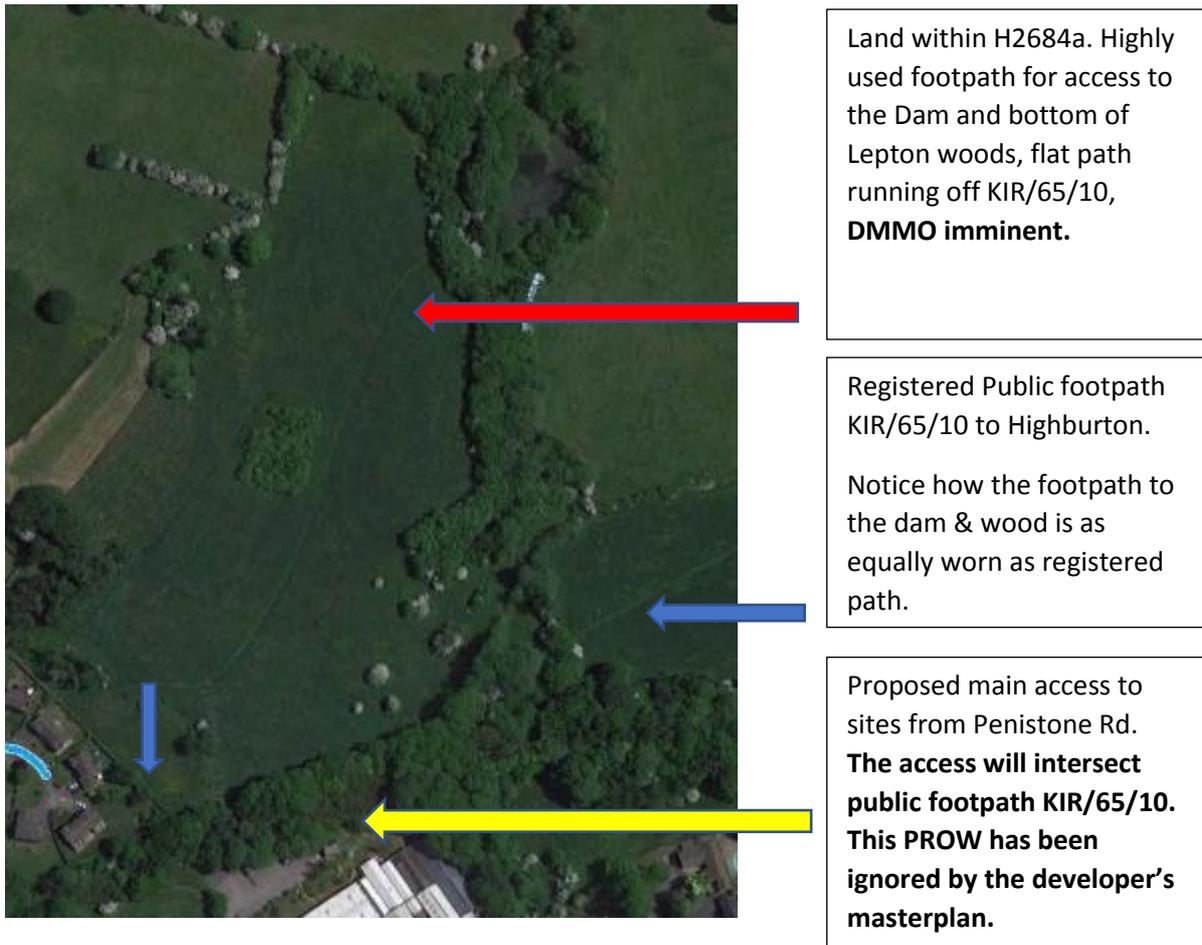


Table 8- Developers definition of PROWs within development

2.10 The public rights of way network is defined by a series of footpath entrances leading off Rowley Lane. The uppermost footpath enters the site via Hermitage Park and provides direct access across the site into Lepton Great Wood. Further footpath connections into the woodland are available at the top and bottom end of the woodland. These footpaths along with the path that skirts the western site edge provide the opportunity to reach the neighbouring settlements of High Burton and Kirk Burton via both direct and circular routes.

The unregistered path via Hermitage park (Table 6) and the bottom end of the wood (Table 7) are so well used that the developers planning consultant within the advocacy brochure Jan 2016, p.4 (consultation report) believes that they are part of the PROW network.

Table 9- DMMO in application stage near site access.



DMMO in application stage from Penistone road to existing PROW KIR/65/10. The community use this unregistered path to access KIR/65/10 from Penistone road.

**Failure to acknowledge PROWS, as public highways with material planning considerations, within local plan stage may affect the deliverability of accepted site options at planning stage. As such an assessment of how PROWS, may be impacted by development proposals and what measures are proposed on PROWS should be - produced as part of the Local plan. How has LE39 shaped the development plans.**

**a) How do sites H2730a and H2684a relate to each other? Should they be combined**

**in a single text box/policy and a joint Masterplan required?**

The diagram below (table 10) depicts what a joint masterplan would look like, with information taken from SS9 Rowley lane (December 2016) and Penistone road (December 2016) indicative masterplans.

In joining the sites masterplans, the extent of the proposal in comparison to the existing village, the encroachment into the countryside, sprawl towards Highburton and planning flaws within the proposals are visually highlighted:

The sites are enclosed by the woods to the east and Beldon Brook (which is to become part of Huddersfield sub area boundary) to the south, this reduces traffic flow options to enter and exit the sites. A PROW (KIR/65/10) runs across the proposed main access to the West. No further access points are available. The indicated emergency access point to the North is not a public byway but a

Registered public footpath (KIR/65/10 - no alternative route), deeded rights of way (8/10 & Crow trees) exist alongside this area.

The access through Hermitage park is highly questionable, the scale of development, limited supporting access points and vicinity to a school do not support use of this small cul-de-sac as a main site entrance.

The two main development roads (purple on table 10) intersect PROW KIR/85/10, how will the developer treat this public highway? How will this well used public footpath be enhanced by the development for public enjoyment?

Previous council planning decisions on the private road, situated 5 meters below Hermitage park road, highlighted concerns of sightlines for vehicles entering Rowley lane at this point.

It should also be noted that the sites sit within the Fenay Bridge area and so why has a settlement assessment and so the demographics of Lepton been used to assess sustainability measures?

Table 10- Joint masterplan



To assess how site H2684a and H2730a relate to each other throughout the process a chronological case study was undertaken (Ellis, 2017) due to conflicting and revoked council decisions. The case study factually details the relationship between sites and stakeholder's (developer/council/ community) to understanding the actions and outcomes that metamorphosed throughout an irrational process. Key points:

- Within Lepton/ Fenay Bridge, an area of 13.52 hectors (33 acres) named site H581 put forward for inclusion in DLP.
- H581 was **rejected for inclusion in DLP.**

Table 11 – Rejected site H581

H581	Site is in Green belt	Y	Green/Brownfield	G	Settlement Position	E	Gross Area (Ha)	12.72
<b>Land to the south east of, Hermitage Park, Lepton</b>					Employment Floorspace		Housing Capacity	376
Transport		Hermitage Park cannot support the proposed level of development on this site.						
Public Health		The site is within a ward that does not have significant concerns relating to health indicators and land use planning						
Education		No immediate need for school places in the area.						
Historic Env		May impact upon setting of Grade II listed building.						
Flood/drainage		Site in Flood Zone 1 and no surface water drainage issues.						
Env Protection		No impacts on air quality, noise or odour.						
Biodiversity		Site is abounded by Habitats of Principal Importance and Species of Principal Importance.						
Other constraints		Part or all of the site lies within a high risk coal referral area.						
Open space		N/A						
Green belt		This large site is contained by the edge of Lepton to the west and by Lepton Great Wood to the east. However, the site sprawls significantly to the south where new development would be very poorly related to any existing settlement form, projecting built form into the open countryside and significantly impacting on the openness of the wider green belt.						
Green belt edge		This area of green belt maintains separation between Lepton and Kirkburton/Highburton. The existing settlement pattern and land use features present some opportunity for settlement extension provided that the separation between settlements is maintained. Significant extension to the east is prevented by the presence of Lepton Great Wood. The green belt in this location contains a watercourse and woodland tracts that are environmentally sensitive habitats.						
Exceptional Circumstances		There are no exceptional circumstances to justify the removal of this site or any part of this site from the green belt.						
Conclusion		The proposed access through Hermitage Park can not sustain an intensification of use. The site forms part of larger accepted site option H2730a which demonstrates an additional access point to the site.						

- Community unaware of the situation.
- H581 separated by the developer into four sites; H32, H334, H455 and H659.
- H32, H334, H455 and H659 accepted for consultation.
- Public consultation opened on 9/11/2016, closing date 1/02/2016.
- Developer applied for a deposit order due to the high use of the fields for community recreational purposes.
- Community react with a petition against the deposit order rather than an application for village green status.
- Community consultation comments registered where 98 to 117 per site.
- **All sites, H32, H334, H455 and H659 rejected to go to the DLP.**

Table 12- Rejected site H32

H32	Site is in Green belt	Y	Green/Brownfield	G	Settlement Position	E	Gross Area (Ha)	3.3	
<b>Land south of, Woodsome Drive, Fenay Bridge</b>					Employment Floorspace		Housing Capacity	115	
Transport			Site access achievable. There have been accidents in the vicinity of the site over the past 5 years.						
Public Health			The site is within a ward that does not have significant concerns relating to health indicators and land use planning						
Education			No immediate need for school places in the area.						
Historic Env			Site close to known archaeological site. Pre-determination report needed.						
Flood/drainage			Site in Flood Zone 1. Isolated pockets of surface water flooding in north west corner of the site.						
Env Protection			Residents may be affected by road traffic noise. Noise assessment required.						
Biodiversity			No significant effects on biodiversity.						
Other constraints			Part or all of the site lies within a high risk coal referral area.						
Open space			N/A						
Green belt			This site is contained by development on three sides and Penistone Road to the west. The development to the south is an industrial building which is within the green belt. The site would represent rounding off of Lepton and Penistone Road to the west would present a strong new green belt boundary, although the potential southern boundary is less clearly defined.						
Green belt edge			This area of green belt maintains separation between Lepton and Kirkburton/Highburton. The existing settlement pattern and land use features present some opportunity for settlement extension provided that the separation between settlements is maintained. Locally this area is separated from the extensive green belt to the west by the line of Penistone Road and its visual relationship with the wider countryside is somewhat compromised by the major road and urban fringe development, although the trees on the boundaries partly screen the urban land uses from view.						
Exceptional Circumstances			There are no exceptional circumstances to justify the removal of this site or any part of this site from the green belt.						
Conclusion			The site forms part of larger accepted site option H2684a.						

Table 13- Rejected site H334

H334	Site is in Green belt	Y	Green/Brownfield	G	Settlement Position	E	Gross Area (Ha)	5.06	
<b>Land to the south east of, Hermitage Park, Lepton</b>					Employment Floorspace		Housing Capacity	127	
Transport			Site access cannot be achieved without linkages to other site options in the area.						
Public Health			The site is within a ward that does not have significant concerns relating to health indicators and land use planning						
Education			No immediate need for school places in the area.						
Historic Env			Close to known medieval settlement. Pre-determination evaluation required.						
Flood/drainage			2% of the site is in Flood Zone 2 and 3. Drainage masterplan required.						
Env Protection			Noise from neighbouring Reliance Gears may be an issue. Noise assessment, Contaminated Land Report and Air Quality Impact assessment required.						
Biodiversity			UK priority BAP habitats are located within the site.						
Other constraints			Part or all of the site lies within a high risk coal referral area.						
Open space			N/A						
Green belt			This site has boundaries with properties at Woodsome Park, the disused railway line, woodland and field boundaries which although not ideal do form potential new green belt boundaries. The scale and location of the site however would represent a poorly related settlement extension that would appear as an encroachment into open countryside to the detriment of the openness of the green belt in this location.						
Green belt edge			This area of green belt maintains separation between Lepton and Kirkburton/Highburton. The existing settlement pattern and land use features present some opportunity for settlement extension provided that the separation between settlements is maintained. The green belt in this location contains a watercourse and woodland tracts that are environmentally sensitive habitats.						
Exceptional Circumstances			There are no exceptional circumstances to justify the removal of this site or any part of this site from the green belt.						
Conclusion			No suitable site access to the site. Site now part of larger site option H2684a which demonstrate an access through from Penistone Road.						

Table 14- Rejected site H455

H455	Site is in Green belt	Y	Green/Brownfield	G	Settlement Position	E	Gross Area (Ha)	5.02
<b>Land to the south east of, Hermitage Park, Lepton</b>					Employment Floorspace		Housing Capacity	144
Transport			Hermitage Park cannot support the proposed level of development on this site.					
Public Health			The site is within a ward that does not have significant concerns relating to health indicators and land use planning					
Education			No immediate need for school places.					
Historic Env			Site close to area of archaeological interest. Pre-determination evaluation required.					
Flood/drainage			Site in Flood Zone 1 and no surface water drainage issues. Site would benefit from a drainage masterplan.					
Env Protection			No impacts on air quality, noise and odour.					
Biodiversity			The site abounds a Local Wildlife Site and Habitat of Principal Importance.					
Other constraints			Part or all of the site lies within a high risk coal referral area.					
Open space			N/A					
Green belt			This large site is contained by the edge of Lepton to the west and by Lepton Great Wood to the east. As such there is no risk of sprawl. However, the southern extent of the site, while following a field boundary, would project development down the slope into the open countryside and would therefore appear as encroachment. The site would be large enough to allow a buffer with the woodland to protect its habitats.					
Green belt edge			This is a reasonably extensive area of green belt that maintains separation between Lepton and Kirkburton/Highburton. The existing settlement pattern and land use features present some opportunity for settlement extension provided that the separation between settlements is maintained. Significant extension to the east is prevented by the presence of Lepton Great Wood. The green belt in this location contains a watercourse and woodland tracts that are environmentally sensitive habitats.					
Exceptional Circumstances			There are no exceptional circumstances to justify the removal of this site or any part of this site from the green belt.					
Conclusion			The site now forms part of larger accepted site option H2730a.					

Table 15- Rejected site H659

H659	Site is in Green belt	Y	Green/Brownfield	G	Settlement Position	E	Gross Area (Ha)	6.05
<b>Land east of, Beldon Brook Green, Lepton</b>					Employment Floorspace		Housing Capacity	201
Transport			Site access unachievable.					
Public Health			The site is within a ward that does not have significant concerns relating to health indicators and land use planning					
Education			No immediate need for school places in the area.					
Historic Env			Site of archaeological significance and may affect the setting of nearby Grade II listed buildings. Heritage Impact Assessment required.					
Flood/drainage			Site in Flood Zone 1 and no surface water drainage issues. Site would benefit from a drainage masterplan with adjacent sites.					
Env Protection			No overriding impacts on air quality, noise and odour.					
Biodiversity			Site abuts Local Wildlife Site Lepton Great Wood and Habitats of Principal Importance.					
Other constraints			Part or all of the site lies within a high risk coal referral area.					
Open space			N/A					
Green belt			This site follows field boundaries for the most part which although not particularly strong features could present a new green belt boundary. The site also borders ancient woodland but is extensive enough to provide a buffer to protect sensitive habitats. However, the scale and location of the site would represent a poorly related settlement extension that would appear as an encroachment into open countryside to the detriment of the openness of the green belt in this location.					
Green belt edge			This area of green belt maintains separation between Lepton and Kirkburton/Highburton. The existing settlement pattern and land use features present some opportunity for settlement extension provided that the separation between settlements is maintained. Significant extension to the east is prevented by the presence of Lepton Great Wood. The green belt in this location contains a watercourse and woodland tracts that are environmentally sensitive habitats.					
Exceptional Circumstances			There are no exceptional circumstances to justify the removal of this site or any part of this site from the green belt.					
Conclusion			The site is part of larger accepted option H2730a which supersedes this site option.					

- Developer merged sites H32 and H334 forming H2684; H455 and H659 forming H2730.
- **Newly merged sites put forward for public consultation.**

- Publication Draft Local Plan (PDLP) public consultation opened to start on 17/11/2016, closing date 19/12/2016.
- Green Alert in Lepton (GAIL) community meeting 28/11/2016.
- Community consultation responses were approximately 60 comments per site.
- **H2684 & H2730 rejected for inclusion in the PDLP**

Table 16- Rejected site H2684.

H2684	Site is in Green belt	Y	Green/Brownfield	G	Settlement Position	E	Gross Area (Ha)	9.49
<b>Land adjacent, Penistone Road/Woodsome Park, Lepton</b>					Employment Floorspace		Housing Capacity	283
Transport		Site access achievable via new road layout with Penistone Road.						
Public Health		The site is within a ward that does not have significant concerns relating to health indicators and land use planning						
Education		No immediate need for school places in the area.						
Historic Env		Archaeological evaluation required on southern part of the site.						
Flood/drainage		The majority of the site is in Flood Zone 1, there is a small area of Flood Zone 2/3 to the south of the site adjacent Beldon Brook.						
Env Protection		Residents may be affected by multiple sources of noise. Noise Assessment required.						
Biodiversity		The site includes Habitats of Principal Importance.						
Other constraints		Part or all of the site lies within a high risk coal referral area.						
Open space		N/A						
Green belt		The eastern half of this site has boundaries with properties at Woodsome Park, the disused railway line, woodland, field boundaries and the beck which although not ideal do form potential new green belt boundaries. The site encroaches onto the beck and its priority habitats but its large enough to maintain a buffer. Where the site connects to the western half, the boundary for a short length cuts across the railway line following no feature on the ground which would make the new boundary difficult to define. The western part of this site is contained by development on three sides and Penistone Road to the west. The western part would represent rounding off of Lepton and Penistone Road to the west would present a strong new green belt boundary, although the potential southern boundary is less clearly defined. The eastern half of the site is well contained by the beck and field boundaries and has some relationship with the existing edge of Lepton. Considered as a whole therefore, the scale and location of the site would represent a reasonably well related settlement extension.						
Green belt edge		This area of green belt maintains separation between Lepton and Kirkburton/Highburton. The existing settlement pattern and land use features present some opportunity for settlement extension provided that the separation between settlements is maintained. Significant extension to the east is prevented by the presence of Lepton Great Wood. The green belt in this location contains a watercourse and woodland tracts that are environmentally sensitive habitats.						
Exceptional Circumstances		There are no exceptional circumstances to justify the removal of this site or any part of this site from the green belt.						
Conclusion		This site has been superseded by accepted site option H2684a.						

Table 17- Rejected site H2730.

H2730	Site is in Green belt	Y	Green/Brownfield	G	Settlement Position	E	Gross Area (Ha)	11.02
<b>Land to the south east of, Hermitage Park, Lepton</b>					<b>Employment Floorspace</b>		<b>Housing Capacity</b>	<b>345</b>
Transport		Given the nature and operational characteristics of Hermitage Park and its junction with Rowley Lane, whilst it is agreed that a limited number of dwellings could be served from Hermitage Park, it is considered unsuitable for the whole development to be served off this one access.						
Public Health		The site is within a ward that does not have significant concerns relating to health indicators and land use planning						
Education		No immediate need for school places.						
Historic Env		The development of the site may affect the setting of Grade II listed buildings and an archaeological site. Heritage Impact Assessment required.						
Flood/drainage		Site in Flood Zone 1 and no surface water drainage issues.						
Env Protection		No air quality, noise or odour issues on site. Air Quality Impact Assessment required.						
Biodiversity		Site lies adjacent to Lepton Great Wood Local Wildlife Site and contains Habitats of Principal Importance.						
Other constraints		Part or all of the site lies within a high risk coal referral area.						
Open space		N/A						
Green belt		This large site is contained by the edge of Lepton to the west and by Lepton Great Wood to the east and while this is an area of countryside its degree of containment limits its relationship to the wider countryside. A section of the southern boundary of the site does not follow any feature on the ground so there is a significant risk of further encroachment, contrary to the purposes of including land in the green belt. The site would be large enough to allow a buffer with the woodland to protect its habitats.						
Green belt edge		This area of green belt maintains separation between Lepton and Kirkburton/Highburton. The existing settlement pattern and land use features present some opportunity for settlement extension provided that the separation between settlements is maintained. Significant extension to the east is prevented by the presence of Lepton Great Wood. The green belt in this location contains a watercourse and woodland tracts that are environmentally sensitive habitats.						
Exceptional Circumstances		There are no exceptional circumstances to justify the removal of this site or any part of this site from the green belt.						
Conclusion		This large site is contained by the edge of Lepton to the west and by Lepton Great Wood to the east and while this is an area of countryside its degree of containment limits its relationship to the wider countryside. A section of the southern boundary of the site does not follow any feature on the ground so there is a significant risk of further encroachment, contrary to the purposes of including land in the green belt. The site would be large enough to allow a buffer with the woodland to protect its habitats. This site has been superseded by accepted site H2730a which has amended site boundaries.						

- Developer then removes planned green space from sites, puts in place a perimeter buffer, renames sites to H2684a and H2730a.
- **No further community consultation.**
- **The council accepted H2684a & H2730a to be put forward in the PDLP.**

Table 18- Accepted site H2684a

<b>H2684a</b>	<b>Land Adjacent, Penistone Road/Woodsome Park, Lepton</b>
Proposed Land Use	Housing
Is the site Green/Brownfield?	Greenfield
Is the site in the Greenbelt?	Site is in the Greenbelt
Settlement Position	Settlement Extension
Gross area (Ha)	9.33
Net area (Ha)	8.13
Housing Capacity	286
Employment Floorspace	*

**Technical Consultation summaries**

Education		No immediate need for school places in the area.
Biodiversity		No biodiversity issues. Site boundary amended to exclude area adjacent Beldon Brook.
Historic Environment		Development may impact on setting of listed buildings and archaeological area of interest. Heritage Impact Assessment required.
Flood risk and Drainage		Site in Flood Zone 1. No surface water drainage issues.
Highways/Transport		Site access achievable via new road layout with Penistone Road.
Environmental Protection		Residents may be affected by multiple sources of noise. Noise Assessment required.
Other Constraints		Part or all of the site lies within a high risk coal referral area.
Open Space	N/A	N/A
Public Health		The site is within a ward that does not have significant concerns relating to health indicators and land use planning
Green Belt Edge		This area of green belt maintains separation between Lepton and Kirkburton/Highburton. The existing settlement pattern and land use features present some opportunity for settlement extension provided that the separation between settlements is maintained. Significant extension to the east is prevented by the presence of Lepton Great Wood. The green belt in this location contains a watercourse and woodland tracts that are environmentally sensitive habitats.
Green Belt Site		The eastern half of this site has boundaries with properties at Woodsome Park, the disused railway line, woodland, field boundaries and the beck which although not ideal do form potential new green belt boundaries. The site encroaches onto the beck and its priority habitats but its large enough to maintain a buffer. Where the site connects to the western half, the boundary for a short length cuts across the railway line following no feature on the ground which would make the new boundary difficult to define. The western part of this site is contained by development on three sides and Penistone Road to the west. The western part would represent rounding off of Lepton and Penistone Road to the west would present a strong new green belt boundary, although the potential southern boundary is less clearly defined. The eastern half of the site is well contained by the beck and field boundaries and has some relationship with the existing edge of Lepton. Considered as a whole therefore, the scale and location of the site would represent a reasonably well related settlement extension.
Exceptional Circumstances	*	Exceptional circumstances exist to amend the green belt boundary as this site is required to meet the objectively assessed need for housing in the district. After due consideration of all relevant non-green belt alternatives, the need to promote sustainable development patterns, the role and function of the green belt and the specific characteristics of this site, it is deemed that in this instance the benefits of facilitating housing development on the site outweigh the loss of this part of the green belt.
Overall Conclusion	*	The eastern half of this site has boundaries with properties at Woodsome Park, the disused railway line, woodland, field boundaries and the beck which although not ideal do form potential new green belt boundaries. The site encroaches onto the beck and its priority habitats but its large enough to maintain a buffer. Where the site connects to the western half, the boundary for a short length cuts across the railway line following no feature on the ground which would make the new boundary difficult to define. The western part of this site is contained by development on three sides and Penistone Road to the west. The western part would represent rounding off of Lepton and Penistone Road to the west would present a strong new green belt boundary, although the potential southern boundary is less clearly defined. The eastern half of the site is well contained by the beck and field boundaries and has some relationship with the existing edge of Lepton. Considered as a whole therefore, the scale and location of the site would represent a reasonably well related settlement extension.

Table 19- Accepted site H2730a

<b>H2730a</b>	<b>Land south east of, Hermitage Park, Lepton</b>
Proposed Land Use	Housing
Is the site Green/Brownfield?	Greenfield
Is the site in the Greenbelt?	Site is in the Greenbelt
Settlement Position	Settlement Extension
Gross area (Ha)	12.46
Net area (Ha)	8.94
Housing Capacity	312
Employment Floorspace	-

**Technical Consultation summaries**

Education		No immediate need for school places in the area.
Biodiversity		Provide stand off distance of 20m from Lepton Great Wood Local Wildlife Site and maintain hedgerows within the site.
Historic Environment		Development may impact on adjacent listed buildings. Heritage Impact Assessment required.
Flood risk and Drainage		Site in Flood Zone 1 and no surface water drainage issues.
Highways/Transport		Whilst it is generally considered that some residential development served off Hermitage Park is likely to be acceptable the Council are sceptical that the proposed circa 300 dwellings and associated transportation movements could be confidently met safely and efficiently from Hermitage Park and the immediate local highway network. However access could be achieved via housing option site H2684 were both sites to be developed at the same time. This site option includes a new access point at.....
Environmental Protection		No air quality, noise or odour issues on site. Air Quality Impact Assessment required.
Other Constraints		Part or all of the site lies within a high risk coal referral area.
Open Space	N/A	N/A
Public Health		The site is within a ward that does not have significant concerns relating to health indicators and land use planning
Green Belt Edge		This area of green belt maintains separation between Lepton and Kirkburton/Highburton. The existing settlement pattern and land use features present some opportunity for settlement extension provided that the separation between settlements is maintained. Significant extension to the east is prevented by the presence of Lepton Great Wood. The green belt in this location contains a watercourse and woodland tracts that are environmentally sensitive habitats.
Green Belt Site		This large site is contained by the edge of Lepton to the west, Lepton Great Wood to the east and follows field boundaries, so there is little risk of sprawl or further encroachment. While this is an area of countryside its degree of containment limits its relationship to the wider countryside. The site would be large enough to allow a buffer with the woodland to the east to protect its habitats and in the south to maintain a buffer with the brook.
Exceptional Circumstances	-	Exceptional circumstances exist to amend the green belt boundary as this site is required to meet the objectively assessed need for housing in the district. After due consideration of all relevant non-green belt alternatives, the need to promote sustainable development patterns, the role and function of the green belt and the specific characteristics of this site, it is deemed that in this instance the benefits of facilitating housing development on the site outweigh the loss of this part of the green belt.
Overall Conclusion	-	The site represents an incursion into the Green Belt however this large site is contained by the edge of Lepton to the west, Lepton Great Wood to the east and follows field boundaries, so there is little risk of sprawl or further encroachment. While this is an area of countryside its degree of containment limits its relationship to the wider countryside. The site would be large enough to allow a buffer with the woodland to the east to protect its habitats and in the south to maintain a buffer with the brook. Access to the site can be achieved via two access points to the north on Rowley Lane and Hermitage Park (limited numbers) and through adjacent accepted site H2684a via Penistone Road.

It is interesting to compare the 'differences' in narrative between rejected H2730 & accepted H2730a and also rejected H2684 and H2684a. Are the 'differences' enough to justify acceptance?

It is not unreasonable to expect that any change of site development plans, influential enough to take two separate sites from rejected to accepted status, should be put to public consultation? Otherwise the whole consultation process is pointless.

The presentation of different site formations over the same area of land does not attenuate the council's original reasons to reject (Tables 11, 12, 13, 14, 15, 16, 17). **The same constraints still exist, but have been split up and pushed around**

**different site formations.** The adjusting formation and changing decisions on the land was a point of confusion for community stakeholders (with some members of the community still believing that the sites are rejected!)

It is my opinion that the convoluted nature of processes has put the community at a disadvantage. It has alienated longitudinal community engagement, which has limited participation for certain community stakeholders. Which is evidenced by the creation and participation of a third sector organisation (Scherer et al, 2011), in this case, Green Alert In Lepton (GAIL).

Nevertheless, the land within site areas H2730a & H2684a should have been assessed throughout the consultation period in a consistent manner. Furthermore, A sensible option would have been to assess H2730a & H2684a as one site, due to the limited combined site access and obvious reliance this creates between sites.

What **site-specific** justification exists in support of the council's decision to accept the sites post rejection? More specifically, how can ' **no exceptional circumstances for the removal of the sites from the greenbelt**' metamorphosis into '**exceptional circumstances exist to meet housing needs in the district**'. Given that the meaning of exceptional means unusual/ above normal, Did the district not have any 'unusual' 'above normal' housing needs throughout the assessment of H581 H32, H334, H455, H659, H2730 & H2684? What demographic have the district housing needs come from within the assessment period? Will the type of property planned within the sites meet the housing requirements of the emergent 'district housing needs'?

Who is governing (Lepoutre et al, 2007) the inclusion of this land pre-enquiry, the council or developer?

**b) How does the proposed new roundabout at Penistone Road/Woodsome Road fit with the Indicative Masterplan for Rowley Lane (December 2016)? What are the implications for site phasing?**

Has an impact assessment of the proposed roundabout in relation to traffic from sites H31, H H2730a and H2684a increasing Penistone road traffic flow towards Waterloo junction being completed? Given that Waterloo Junction has been referred to in the DLP as a 'junction of concern' and is on the CIL 123 list.

Has strategic infrastructure considerations of how Waterloo junction will operate given the collective scale of suggested and recent site acceptance to the south of Huddersfield?

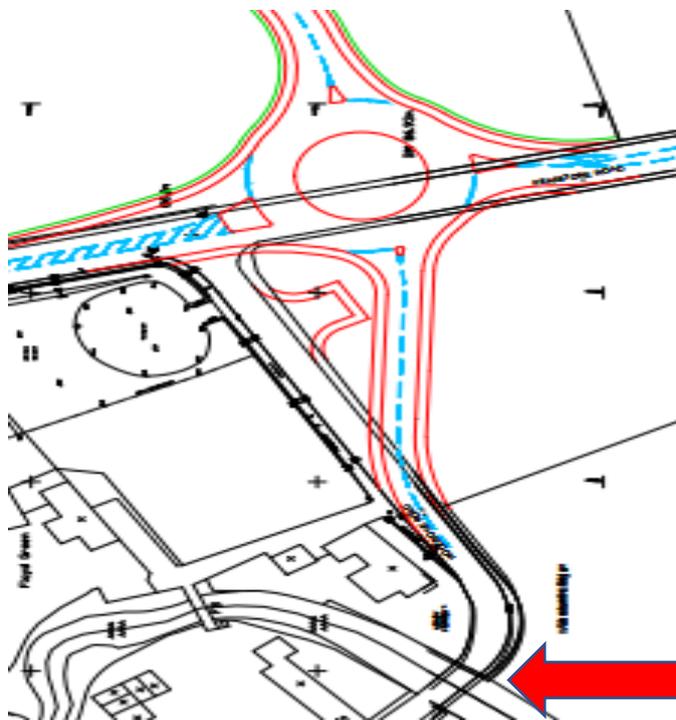
Due to regulatory requirements (Community infrastructure levy regulation, 14(1), 2014), please would the council evidence the proposed development levy on the Fenay Bridge sites and how it will support the Waterloo junction. Also, what other improvements within the immediate area have been identified (especially for walkers

who will lose the tranquil enjoyment of footpaths registered and unregistered within Fenay Bridge/ Lepton should development be permitted)?

The Sanderson Associates document (Dec 2016, p.12, 3.5.6) refers, 'Therefore, as CIL contributions will be applicable to the Farnley Estates sites, these contributions can be used to fund improvement works at this junction, should they be **deemed necessary and of sufficiently high priority at that time**'.

What impact will the roundabout have on Woodsome Bridge which is grade 2 listed (Heritage id: 1135320)? Where can I find the heritage impact assessment? Will the sites and roundabout increase traffic flow over the listed Woodsome bridge? Has the bottleneck, on the blind corner over Woodsome Bridge (tables 20 & 21) been evaluated? This route is used by full sized school buses/ school traffic for St James's school.

Table 20- proposed Masterplan.



21)

Bottleneck, blind corner (see table

Sanderson Associate's, 2016 proposed masterplan – showing roundabout integrating Woodsome Road bottleneck.

Table 21- Woodsome Road Bridge, grade 2 listed bridge.



Blind corner & bottleneck (one lane traffic over bridge, no traffic lights or give way signage), off proposed roundabout (google maps, 2012)

**c) Is there sufficient provision to ensure that development on sites H2730a and H2684a does not cause unacceptable impacts on biodiversity and local habitats?**

How can a **desk top study** (a method holding many limitations) which is supported by ecological surveys **undertaken outside of the optimum botanical survey window** (SS9, ecological appraisals, Penistone Road & Rowley Lane sites) ensure that sufficient provisions to development are delivered and impacts on biodiversity and habitats are at an acceptable level?

As stated within one of the aforementioned ecological reports 'It is therefore possible that protected species not identified during the data search do in fact occur within the vicinity of the Site (Rowley Lane report, 2.3.1).

As such, the reports may give indications but are by no means considered conclusive enough to support the inclusion of this development within the local plan.

**d) Has the impact of the proposal on heritage assets been adequately assessed and addressed? Should protection and mitigation measures linked to the Heritage Impact Assessment (LE98) be specified in the Plan?**

The NPPF states that "...local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution

made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance..."

Table 22- Crow trees, grade 2 listed building.



**Crow trees, Grade 2 listed old hall as viewed from site H2730a**

A grade 2 listing (English Heritage Legacy ID: 341207) on a 400-year-old building should be a **proportionate enough heritage asset** for applicant acknowledgement within masterplan SS9. However, the masterplan **does not identify the listed building or show any respect for its curtilage.**

**Table 23- SS9 proposed curtilage of a Grade 2 listed building.**

The image consists of an aerial photograph of a rural area with several buildings and trees. A pink dashed line outlines a proposed curtilage around a central building. Red arrows point from text boxes to specific features on the map. To the right is a smaller map from Kirklees Council showing the location of 'Crow Trees' with a red target icon.

'Crow Trees' (old hall), grade 2 listed building. Why is this not identified on the Rowley lane masterplan (SS9)

No hedgerow exists

Crow Trees is to have Key dwellings within its curtilage due to the prominent position.

One of the 'Crow Trees', has gone? The four oak trees have TPO's and are important part of Crow trees curtilage

K.M.C website, tree preservation orders map.

**Table 24- the 'crow trees' (TPO's) within H2730a**



The 'Crow trees' viewed from Beldon Brook (google, 2017) & walker in the field off the public footpath, KIR/65/10, in front of Crow Trees.

Table 25- Crow trees old hall, H2730a and east side of H2684a viewed from KIR/65/50.



Crow trees viewed from a public footpath (KIR/65/50) in Highburton, this photograph contradicts LE98 point 5.1. This listed building is recognisable and viewable from many points in Highburton. The relationship between the 'old hall' and both sites is unarguable, development to H2730a and the east side of H2684a will ruin a present day view into the past. This puts doubt on the assessment conclusions within 5.3 and 5.4 of LE98, it should also be noted that other non registered well used paths offer generous views of Crow trees.

Historic England (M21.2) stated "we consider that many of the Assessments have underplayed the harm that the eventual development of these sites might have upon the historic environment" (1.1.5). The above photograph supports this statement.

Concerning Crow trees, Historic England request the land allocation within open area 1 (LE98, 5.2) to be deleted (Historic England, M21.2, p.19).

Table 26- Historic photograph of H2730a and east side of H2684a.



**Rowley Bottom 1910, (Mr Smith Carter, Kirklees archive).** Looking across Rowley Lane, the wall on the far side of the houses is the existing green belt edge. Crow trees is hidden behind the tree on the far left. The fields (site H2730a & east of H2684a) and Crow trees as they stood 108 years ago and today. The green belt edge has held well.

The only way to protect a building that has stood for 400 years without interruption from its rural curtilage is to reject site H2730a and the eastern part of H2684a so that future generations may also enjoy a view to the past.

**f) What effect would the proposed boundary changes and allocations have on the Green Belt and the purposes of including land within it? In particular, how would the existing gap between Lepton and Highburton be affected? Are there exceptional circumstances that justify altering the Green Belt? If so, what are they?**

Table 27- Before and after development, imagine the orange as housing



The 'after' photo highlights the extent of site development in orange. Fenay Bridge / Lepton is classified within Huddersfield sub-area, Highburton within rural Kirklees, development of the orange area can only be viewed as urban sprawl (Padmanaban et al, 2017). Photo taken from remaining open field between settlements.

Table 28- settlement edges /proposed settlement edge

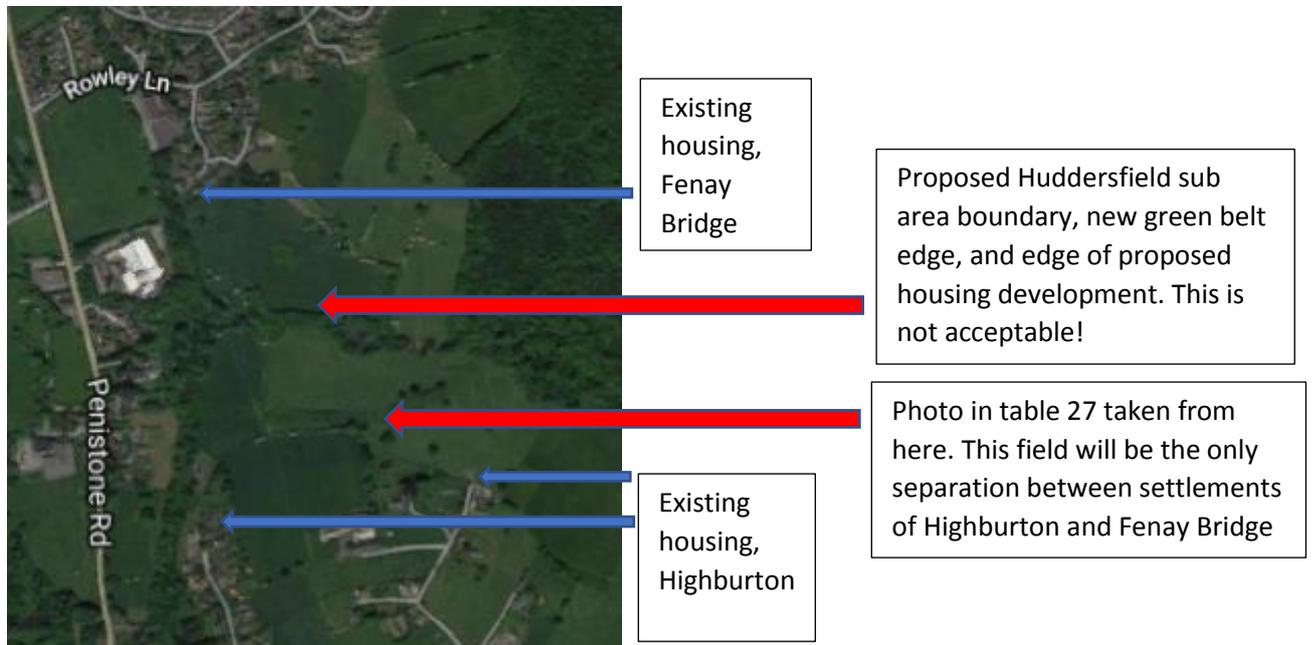
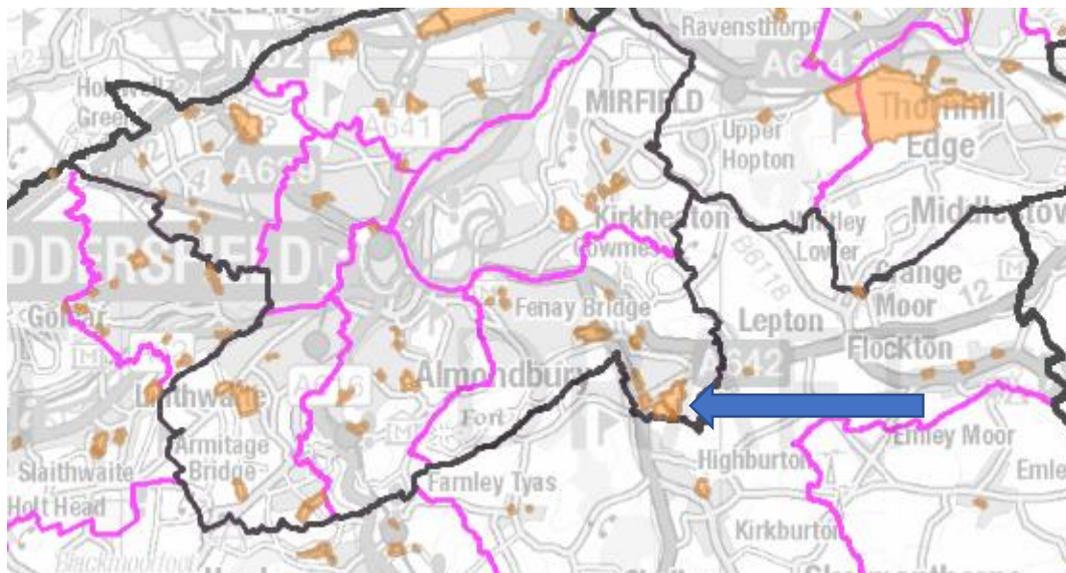


Table 29- Huddersfield sub- area spilling into Huddersfield rural.



The sites depict Classic urban sprawl – huddersfield sub-area spilling over the boundary into Kirklees rural sub area. How has the greenbelt review methodology taken account of acceptable distances between settlement edges? Also, why is development being considered on (or spilling over) sub area boundary's.

How has the greenbelt review methodology taken account of the socio-ecological consequences of this development? what impact will this development have on ecosystem services, more explicitly the recreational, and cultural benefits the land affords to the community.

## References

**Padmanaban**, R., Bhowmik, A. K., Cabral, P., Zamyatin, A., Almegdadi, O., Wang, S., Stockholm Resilience Centre. (2017). Modelling urban sprawl using remotely sensed data: A case study of chennai city, tamilnadu. *Entropy*, 19(4), 163. 10.3390/e19040163

**Ellis**, J. (2017). In response to the UK housing Shortage: An Exploration of National Housebuilder Approaches towards Corporate Social Responsibility with Community as Stakeholder. The University of Huddersfield.

**Leopold**, A. (1968). *A Sand County Almanac and Sketches Here and There* Paperback. USA, Oxford University Press.

**Lepoutre**, J., Dentchev, N. A., Heene, A. (2007). Dealing with Uncertainties When Governing CSR Policies. *Journal of Business Ethics*, **73**, 391–408.

**Secretary of State for Communities and Local Government** (2017). *Fixing our broken housing market*. Retrieved from

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/590463/Fixing\\_our\\_broken\\_housing\\_market\\_-\\_accessible\\_version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/590463/Fixing_our_broken_housing_market_-_accessible_version.pdf)

**Scherer**, A. and Palazzo, G. (2011). 'The new political role of business in a globalized world: A review of a new perspective on CSR and its implications for the firm, governance, and democracy'. *Journal of Management Studies*, **48**, 899-931.